IN THE HIGH COURT OF UTTARANCHAL At NAINITAL

Second Appeal (Lodging No. 528 of 2003)

Mohd. Ayub S/o Mohd. Yameen,
R/o Mohalla Satti Roorkee,
Pargana & Tehsil Roorkee,
Distt. Haridwar. ... Plaintiff/appellant.

Versus

Purshottam Aggarwal,
Director M/s Purshottam Industries Ltd.
And others. .... Defendants/respondents

.....

Hon'ble P.C.Verma, J.

Heard Sri Sharad Sharma, learned counsel for the appellant and Sri B.S. Verma, learned counsel for the caveator.

This Second Appeal has been filed against the judgment-dated 03.09.2003 passed by Addl. District Judge, Roorkee in Civil Appeal No. 62 of 2001 whereby he has dismissed the appeal of the plaintiff/appellant.

The Original Suit was filed for permanent injunction on the basis of the sale-deed.

Both the courts below had found that, admittedly, the property in dispute is a passage and is not covered in the sale-deed. Finding of facts recorded by both the courts are that the plaintiff is not the sole owner of the property in dispute, it is only a passage.

After perusal of the judgment passed of the trial court as well as the appellate court, I find that no substantial question of law arises for determination in this second appeal.

Therefore, the second appeal is dismissed. No order as to costs.

(P.C. Verma, J.)

December 3,2003:
NCM: